IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17639 of 2004

Between:

M/s Singareni Colleries Co.Limited, (A Government Company)
P.O.Kothagudem Colleries, Khammam District rep.by its Deputy Finance Manager
Sri Bh.S.S.N.Murthy

..... PETITIONER

AND

1 The Assistant Commissioner (CT)(Int)(LTU), Warangal Division, Warangal
2 The Appellate Deputy Commissioner (CT), Warangal
3 The Additional Commissioner (CT) (Legal), Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction particularly one in the nature of Writ of Mandamus granting stay of collection of the balance disputed tax of Rs.1,67,91,407/- pursuant to the stay rejection order dated 26-04-2004 passed by the third respondent in CCT's Ref.No.LV(4)/375/2004 for the assessment year 2003-04 under the APGST Act or to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.SKRISHNA MURTHY

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court at the admission stage, made the following :

ORDER : (per Hon'ble Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent the Writ Petition is disposed of at this stage.

Pending appeal, the petitioner filed an application seeking stay of the recovery, which has been declined. The learned Counsel for petitioner submits that out of the disputed tax liability of Rs.1,67,91,407/-, the petitioner has already deposited Rs.4,00,000/-. Therefore in the interest of justice, we direct that there shall be stay of recovery till disposal of appeal, subject to payment of Rs.45,00,000/- (Forty Five lakhs) by the petitioner within a period of eight weeks from today. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

30th September, 2004.

(S.ANANDA REDDY, J)

N.B:-

Wire at party's cost.

(B/o)

ajr

To

1 The Assistant Commissioner (CT)(Int)(LTU), Warangal Division, Warangal
2 The Appellate Deputy Commissioner (CT), Warangal
3 The Additional Commissioner (CT) (Legal), Hyderabad

4 Two C.Cs. to the GP for Commercial Taxes, High Court buildings, Hyderabad

(O.U.T)

5 Two C.D. copies.